REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

The Examiner's continued finding of allowable subject matter in claims 7 and 8 is appreciatively noted.

In response to the rejection of claims 1, 5, 9, 10, 11, 12 and 15 under 35 USC §112, second paragraph, claims 1, 9, 10, 11 and 15 have been amended above so as to more clearly define what is meant by "maximizing". It will also be noted that these claims have now been amended so as to require a label of a given priority to occur only once in each cycle - - something which the Examiner alleges was not previously present in the claims (e.g., "Response to Arguments" section beginning at page 10 of the outstanding Office Action). Because this arguably additional limitation has been added, a Request for Continued Examination has also been filed concurrently with this amendment, thus, ensuring that all such requested amendments are properly enterable at this stage of prosecution.

All of the outstanding rejections under 35 USC §103 based on Kilkki/Kari and/or various other three or more way combinations of prior art based on Kilkki/Kari are all, once again respectively traversed.
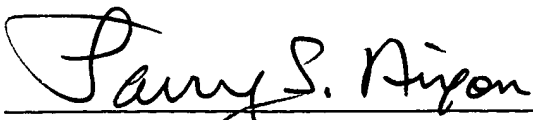
From the very beginning of this application, the applicant has attempted to find the appropriate language to describe applicant's invention - - language now requiring positions of the labels in a cyclic sequence to be controlled so as to maximize the number of consecutive labels having a lower priority than a nearest other label in the sequence of equal or higher priority. As will be appreciated, this does not require the priority values of intervening labels to run consecutively (e.g., 2, 3, 4, etc.). However, the number of consecutive labels having a lower priority than a given label and its nearest neighbor in the sequence of equal or higher priority is maximized.

The prior art cited by the Examiner does not teach or suggest such features. Indeed, most of the examples given by the Examiner provide labels of the same or higher priority than the pair being considered. That is, the Examiner does not appear to be looking at one label and then to the next nearest label to it having equal or higher priority. Because the sequence is cyclic, the nearest neighbor of the same or higher priority may be either before or after the label being considered. In particular, the nearest label to any "7" (top) priority of the same priority would be the "7" occurring on the next or previous cycle. The "6" is equal distance between two "7's" and the "4" and "5" are both equal distance between a "6" and a "7" - - and the rest equal distance between two of those already mentioned.

The Examiner is thanked for providing a "Response to Arguments" section explaining some of her reasoning. It appears that this reasoning may be based on a supposition that the claims were not previously limited so as to require the use of each label priority level only once per cycle. However, as noted above, the claims have all now been amended so as to require a label of a given priority to occur only once in each cycle. Surely in this context of such an explicit requirement in the claims, the cited prior art becomes essentially irrelevant. For example, in the cited prior art, high priority labels occur more frequently than lower priority ones so that different priorities cycle at different rates. Accordingly, a formal Notice of Allowance is believed to be in order and is respectfully solicited.

Respectfully submitted,

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